

**In The Matter Of:**

*Stephen Packman*

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(b) (6), (b) (7)(C)

*February 26, 2019*

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*Original File (b) (6), (b) (7).prn*

*Min-U-Script® with Word Index*

BEFORE THE  
ENVIRONMENTAL PROTECTION AGENCY

In the Matter of: ) Case #:  
Stephen Packman ) EPA-R10-2022-001402  
\_\_\_\_\_)

Tuesday

February 26, 2019

INTERVIEW OF (b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

APPEARANCES:

On behalf of EPA:

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

Also Present:

Greg Goldberg (Holland & Hart)

Joe Teig (Holland & Hart)

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## P R O C E E D I N G S

(b) (6), (b) (7)(C) I'll turn on the recorder here. I'm  
Special Agent (b) (6), (b) (7)(C) my colleague (b) (6), (b) (7)(C) ,  
with EPA. Greg and Joe from Holland and Hart, Greg  
Goldberg and Joe Teig. (b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C) Mm-hmm.

(b) (6), (b) (7)(C) All right. Well, (b) (6), (b) (7)(C) appreciate  
you sitting down with us to talk for a few minutes. It's  
February 29th still -- excuse me, 26th, 2019. We're here  
in Mountain Home. And we just want to talk to about your  
(b) (6), (b) (7)(C) We've been told folks want to  
talk to us. This is your time to talk to us. We'll have  
some questions. If you have anything to share that we  
don't talk about, please feel free. And we'll go from  
there. Does that sound good?

(b) (6), (b) (7)(C) Mm-hmm.

(b) (6), (b) (7)(C) So, (b) (6), (b) (7)(C) tell us about your (b) (6), (b) (7)(C)

(b) (6), (b) (7)(C) What do you do?

(b) (6), (b) (7)(C) (b) (6), (b) (7)(C) So I just

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

1 That's really it.

2 (b) (6), (b) (7)(C) And did you -- do you -- before you  
3 came to (b) (6), (b) (7)(C) what did -- (b) (6), (b) (7)(C)  
4 (b) (6), (b) (7)(C)

5 (b) (6), (b) (7)(C) (b) (6), (b) (7)(C). And then I went to (b) (6), (b) (7)(C)  
6 (b) (6), (b) (7)(C)  
7 (b) (6), (b) (7)(C)  
8 (b) (6), (b) (7)(C)

9 (b) (6), (b) (7)(C) And where did you go to school, here  
10 in Idaho?

11 (b) (6), (b) (7)(C) (b) (6), (b) (7)(C)

12 (b) (6), (b) (7)(C) Is your (b) (6), (b) (7)(C) background -- I  
13 see that you're under the (b) (6), (b) (7)(C) on this organization  
14 chart. Did you go to (b) (6), (b) (7)(C) ?

15 (b) (6), (b) (7)(C) (b) (6), (b) (7)(C)

16 (b) (6), (b) (7)(C)

17 (b) (6), (b) (7)(C) Okay, yeah, good. (b) (6), (b) (7)(C)  
18 (b) (6), (b) (7)(C)

19 (b) (6), (b) (7)(C) Oh, really?

20 (b) (6), (b) (7)(C) Yeah. (b) (6), (b) (7)(C) did go. (b) (6), (b) (7)(C)

21 (b) (6), (b) (7)(C) .

22 (b) (6), (b) (7)(C) Oh, really?

23 (b) (6), (b) (7)(C) Yeah, yeah. (b) (6), (b) (7)(C)

24 (b) (6), (b) (7)(C) So you said, though, that you do (b) (6), (b) (7)(C) --

25 (b) (6), (b) (7)(C)

1 (b) (6), (b) (7)(C)

2 (b) (6), (b) (7)(C)

3 (b) (6), (b) (7)(C) Yeah. (b) (6), (b) (7)(C)

4 (b) (6), (b) (7)(C)

5 (b) (6), (b) (7)(C)

6 (b) (6), (b) (7)(C)

7 (b) (6), (b) (7)(C)

8 (b) (6), (b) (7)(C)

9 (b) (6), (b) (7)(C) Yeah, right.

10 (b) (6), (b) (7)(C) (b) (6), (b) (7)(C)

11 (b) (6), (b) (7)(C)

12 (b) (6), (b) (7)(C) Okay. (b) (6), (b) (7)(C)

13 is a procedure that (b) (6), (b) (7)(C) do on all the waste coming

14 through, at least pH, flame, water, paint filter?

15 (b) (6), (b) (7)(C) Yes. Every time when (b) (6), (b) (7)(C) receive a

16 sample, (b) (6), (b) (7)(C) fingerprint.

17 (b) (6), (b) (7)(C) Okay. Is there anything unusual

18 about the magnesium fingerprint? (b) (6), (b) (7)(C) did the fingerprint

19 match on the magnesium that came through, the magnesium

20 waste that had to be treated. (b) (6), (b) (7)(C)

21 (b) (6), (b) (7)(C)

22 (b) (6), (b) (7)(C) (b) (6), (b) (7)(C)

23 (b) (6), (b) (7)(C)

24 (b) (6), (b) (7)(C) Okay.

25 (Exhibit 3 identified.)

1 (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) I want to ask you about what  
2 we're going to mark down here as Document Number 3 for the  
3 record. I'm going to put that in front of you, a picture  
4 of it quick. But this has a batch number up top and it  
5 has processed by (b) (6), (b) (7)(C)

6 (b) (6), (b) (7)(C) Yeah.

7 (b) (6), (b) (7)(C)

8 (b) (6), (b) (7)(C) Mm-hmm.

9 (b) (6), (b) (7)(C) I'm curious if you could just walk us  
10 through how this document got produced, and why it would  
11 be produced, and what you -- and the details around this  
12 document.

13 (b) (6), (b) (7)(C) Okay. This looks like -- so this is  
14 (b) (6), (b) (7)(C) recipe that (b) (6), (b) (7)(C) fill in as, (b) (6), (b) (7)(C) So (b) (6), (b) (7)(C) will get  
15 -- like this must be a whole packet, huh?

16 (b) (6), (b) (7)(C) Yeah.

17 (b) (6), (b) (7)(C) So receiving -- so (b) (6), (b) (7)(C) get a drum load  
18 or a bulk, whatever, and (b) (6), (b) (7)(C) figure out what it is. (b) (6), (b) (7)(C) do  
19 a fingerprint. If everything matches up, then (b) (6), (b) (7)(C) okay  
20 it for a specific batch. And once (b) (6), (b) (7)(C) do that, (b) (6), (b) (7)(C) turn in  
21 the paperwork and receiving generates the batch with all  
22 the, like all the stuff that (b) (6), (b) (7)(C) say goes together.

23 So this is to the point where receiving has  
24 already mixed all of it together into one batch in the  
25 system. And this looks like the (b) (6), (b) (7)(C) have already

1 physically mixed it out in the yard. So right here (b) (6), (b) (7)(C)  
2 (b) (6), (b) (7)(C) -- like what ingredients  
3 to put into it. So then (b) (6) would fill it out and then (b) (6)  
4 would send this down to the (b) (6), (b) (7)(C) and (b) (6), (b) (7)(C) would have  
5 their directions, and their amounts, and their sample  
6 number.

7 (b) (6), (b) (7)(C) And so when you say send to the (b) (6), (b) (7)(C)  
8 who would that be?

9 (b) (6), (b) (7)(C) This looks like -- I haven't seen one  
10 of these in so long, it's hard for me to -- it's just the  
11 (b) (6), (b) (7)(C) out in the yard. Oh, this is new stab. This one is  
12 new stab.

13 (b) (6), (b) (7)(C) So this would go to?

14 (b) (6), (b) (7)(C) To the indoor stab.

15 (b) (6), (b) (7)(C) And that would be who, like (b) (6), (b) (7)(C)

16 (b) (6), (b) (7)(C) -- or (b) (6), (b) (7)(C) sorry?

17 (b) (6), (b) (7)(C)

18 Those were the people there that day. But there's a bunch  
19 of them. (b) (6), (b) (7)(C) (ph.).

20 (b) (6), (b) (7)(C) Okay. And coming back to (b) (6), (b) (7)(C)  
21 analysis, the fingerprinting, do (b) (6), (b) (7)(C) fingerprint the  
22 samples that came in regarding the magnesium fine waste  
23 and then would (b) (6), (b) (7)(C) produce this based on the results of  
24 the fingerprint to come up with instructions for those

25 (b) (6), (b) (7)(C) Is that -- am I following you right?



1 (b) (6), (b) (7)(C) Yeah. So specifically (b) (6), (b) (7)(C) have  
2 recipes already made up. So if the waste has come in  
3 before, (b) (6), (b) (7)(C) have recipe books and (b) (6), (b) (7)(C) look up the waste  
4 stream in (b) (6), (b) (7)(C) book to tell (b) (6), (b) (7)(C) what (b) (6), (b) (7)(C) had done previously.  
5 And if (b) (6) was still unsure then (b) (6) would just take it to (b) (6), (b) (7)(C)  
6 (b) (6), (b) (7)(C) and ask like, hey, what do (b) (6) do with this. Or  
7 if it had been a long time then (b) (6) would still go ask  
8 because, you know.

9 But generally a lot of the waste, or samples,  
10 batches, whatever, that (b) (6) do frequently, (b) (6) already have an  
11 idea of what goes in them and how to treat them just  
12 because (b) (6), (b) (7)(C) been there for a while.

13 (b) (6), (b) (7)(C) Sure. (b) (6), (b) (7)(C) I think I  
14 might have forgot that.

15 (b) (6), (b) (7)(C) (b) (6), (b) (7)(C)

16 (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) okay.

17 (b) (6), (b) (7)(C) Yeah.

18 (b) (6), (b) (7)(C) And did (b) (6), (b) (7)(C) have a recipe book that  
19 (b) (6), (b) (7)(C) referred to regarding the magnesium fine powder that  
20 was related to the explosion?

21 (b) (6), (b) (7)(C) No. (b) (6), (b) (7)(C) wouldn't have a recipe book -  
22 - or recipe for that. (b) (6), (b) (7)(C) didn't look at one  
23 that day for that. (b) (6), (b) (7)(C)  
24 (b) (6), (b) (7)(C) hadn't even got to that point of it.  
25 Like (b) (6) wasn't even in that step yet.

1 (b) (6), (b) (7)(C) Okay.

2 (b) (6), (b) (7)(C) For generating like the ingredients,  
3 because that was just a water reactive, so (b) (6) wouldn't need  
4 to add -- (b) (6), (b) (7)(C) didn't need to add anything. (b) (6), (b) (7)(C) just  
5 were told to add water and let it react out. There wasn't  
6 anything besides clay.

7 Like this one is a back -- like this one is a  
8 back-end tested sample, meaning it has stuff that (b) (6), (b) (7)(C) need  
9 to test on (b) (6), (b) (7)(C) machine. That's why it has this number.  
10 So (b) (6), (b) (7)(C) had to add this stuff to treat it. And then (b) (6), (b) (7)(C)  
11 would test it at the end to see if it meets (b) (6), (b) (7)(C) LDR to put  
12 in the landfill. Whereas those magnesium fines that day,  
13 they didn't, you know, they were just water reactive.

14 (b) (6), (b) (7)(C) So this sheet that we referred to as  
15 Number 3, this is not related to any of the waste, the  
16 magnesium fine waste?

17 (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) I would have to look  
18 through. (b) (6), (b) (7)(C)

19 (b) (6), (b) (7)(C) It looks like it was on 11/17, but (b) (6), (b) (7)(C)  
20 (b) (6), (b) (7)(C) if that makes  
21 sense.

22 (b) (6), (b) (7)(C) Sure.

23 (b) (6), (b) (7)(C) (b) (6), (b) (7)(C)

24 (b) (6), (b) (7)(C) (b) (6), (b) (7)(C)

25 (b) (6), (b) (7)(C) Is that likely or could

1 that happen?

2 (b) (6), (b) (7)(C) No. (b) (6), (b) (7)(C) I

3 (b) (6), (b) (7)(C)

4 (b) (6), (b) (7)(C)

5 (b) (6), (b) (7)(C) Sure.

6 (b) (6), (b) (7)(C) But, yeah, (b) (6), (b) (7)(C)

7 that batch.

8 (b) (6), (b) (7)(C) I'm going to just flip through a  
9 couple of sheets here.

10 (b) (6), (b) (7)(C) Yeah.

11 (b) (6), (b) (7)(C) And see if any of this would job your  
12 memory, refresh your memory. So with the Batch Number  
13 MX79117 here, it's -- I'll just walk around. The next  
14 page.

15 (b) (6), (b) (7)(C) Remember that one for your  
16 recording, (b) (6), (b) (7)(C)

17 (b) (6), (b) (7)(C) Yeah, I will. Just mark this  
18 Number 4.

19 (Exhibit 4 identified.)

20 (b) (6), (b) (7)(C) And this is a field sheet. And I  
21 think it is related. This is the same batch. Would you  
22 -- would (b) (6), (b) (7)(C) use this field sheet or does that help (b) (6), (b) (7)(C)

23 (b) (6), (b) (7)(C)

24 (b) (6), (b) (7)(C) Can I -- am I allowed to look through  
25 this packet?

1 (b) (6), (b) (7)(C) Sure.

2 (b) (6), (b) (7)(C) Absolutely. You can go this way  
3 and keep going.

4 (b) (6), (b) (7)(C) Yeah, this will help me.

5 (b) (6), (b) (7)(C) And we go back to the batch.

6 (b) (6), (b) (7)(C) Okay, yeah. So this is the batch.

7 (b) (6), (b) (7)(C) I'm going to mark this next page  
8 as 5.

9 (Exhibit 5 identified.)

10 (b) (6), (b) (7)(C) So this is an ultrafine powder. So  
11 do -- is there a question I should be answering right now?  
12 I don't -- I don't remember -- (b) (6), (b) (7)(C)

13 (b) (6), (b) (7)(C) this mix down to the (b) (6), (b) (7)(C) to have them pull it out,  
14 yeah. Sometimes, if (b) (6), (b) (7)(C) what's going on with a mix --

15 (b) (6), (b) (7)(C) have a lot of things going on in the lab, so (b) (6), (b) (7)(C)

16 (b) (6), (b) (7)(C)

17 (b) (6), (b) (7)(C)

18 (b) (6), (b) (7)(C)

19 (b) (6), (b) (7)(C)

20 (b) (6), (b) (7)(C) Okay.

21 (b) (6), (b) (7)(C) So (b) (6), (b) (7)(C)  
22 down to them.

23 (b) (6), (b) (7)(C) But (b) (6), (b) (7)(C)

24 (b) (6), (b) (7)(C) And these are the --

25 (b) (6), (b) (7)(C) Yeah.

1 (b) (6), (b) (7)(C) --(b) (6), (b) (7)(C)

2 (b) (6), (b) (7)(C)

3 (b) (6), (b) (7)(C) Yeah.

4 (b) (6), (b) (7)(C) Okay. (b) (6), (b) (7)(C) what do you -- I know  
5 you just mentioned this, but what do you remember about

6 (b) (6), (b) (7)(C)

7 (b) (6), (b) (7)(C)

8 (b) (6), (b) (7)(C) The only involvement (b) (6), (b) (7)(C)

9 (b) (6), (b) (7)(C) the waste was onsite and (b) (6), (b) (7)(C) that (b) (6), (b) (7)(C) were  
10 going to be doing it within this -- within either Saturday  
11 or Monday. (b) (6), (b) (7)(C) -- it was just  
12 something that was on the truck ready to go. The batches  
13 were done.

14 So (b) (6), (b) (7)(C)

15 (b) (6), (b) (7)(C)

16 (b) (6), (b) (7)(C) So (b) (6), (b) (7)(C)

17 that (b) (6), (b) (7)(C) might do it. So (b) (6), (b) (7)(C) called me. And the only  
18 thing (b) (6), (b) (7)(C)  
19 dumping order, which is these directions right here.

20 (b) (6), (b) (7)(C) And that's marked on Sheet Number 5,  
21 okay. (b) (6), (b) (7)(C)

22 (b) (6), (b) (7)(C) (b) (6), (b) (7)(C)

23 (b) (6), (b) (7)(C) (b) (6), (b) (7)(C)

24 (b) (6), (b) (7)(C) (b) (6), (b) (7)(C)

25 (b) (6), (b) (7)(C)

1 (b) (6), (b) (7)(C) So (b) (6), (b) (7)(C)

2 (b) (6), (b) (7)(C)

3 (b) (6), (b) (7)(C) (b) (6), (b) (7)(C)

4 (b) (6), (b) (7)(C) Do you recognize the, the  
5 writing on that and who did create the document, Record  
6 Number 5?

7 (b) (6), (b) (7)(C) (b) (6), (b) (7)(C)

8 (b) (6), (b) (7)(C)

9 (b) (6), (b) (7)(C) --

10 (b) (6), (b) (7)(C) (b) (6), (b) (7)(C)

11 (b) (6), (b) (7)(C)

12 (b) (6), (b) (7)(C) Well, (b) (6), (b) (7)(C)

13 (b) (6), (b) (7)(C)

14 (b) (6), (b) (7)(C) So it must have been (b) (6), (b) (7)(C) I

15 know that (b) (6), (b) (7)(C) on how to batch

16 them out, if that makes sense.

17 (b) (6), (b) (7)(C) Yeah.

18 (b) (6), (b) (7)(C) And then (b) (6), (b) (7)(C) kind of just, I don't

19 know, (b) (6), (b) (7)(C) do things like (b) (6), (b) (7)(C) share the work. So it looks  
20 like (b) (6), (b) (7)(C) put this, like talked to (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) wrote the

21 directions. But right here, this is (b) (6), (b) (7)(C) initials,

22 which means all (b) (6), (b) (7)(C) did was (b) (6), (b) (7)(C)

23 (b) (6), (b) (7)(C) didn't -- (b) (6), (b) (7)(C)

24 (b) (6), (b) (7)(C)

25 (b) (6), (b) (7)(C) Okay.

1 (b) (6), (b) (7)(C) So, yeah, (b) (6), (b) (7)(C) the  
2 dumping order on all four of the batches.

3 (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) referenced that document.  
4 (b) (6), (b) (7)(C)

5 (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) sir. (b) (6), (b) (7)(C)  
6 asked for all four at the same time. And so (b) (6), (b) (7)(C)  
7 (b) (6), (b) (7)(C)

8 (b) (6), (b) (7)(C) What would determine a dumping order?

9 (b) (6), (b) (7)(C) It depends on the batch and the waste  
10 in the batch. This was a -- this was just a, like a react  
11 out. So all they have to do is make sure that the spray  
12 bars are running and that they have water in there. And  
13 then they dump the waste into it, just let it react with  
14 the water. And once it's done reacting, they just add  
15 clay to it. And that's just how (b) (6), (b) (7)(C) treat that one.

16 But if it was something else, like say it's a  
17 solidification, (b) (6), (b) (7)(C) just dump the waste in. And then  
18 there's no reaction or nothing, which there usually isn't,  
19 (b) (6), (b) (7)(C) just add clay and it's done. It just varies from  
20 batch to batch. So (b) (6), (b) (7)(C) know what the instructions are  
21 like just by what's in it. And if (b) (6), (b) (7)(C) don't know (b) (6), (b) (7)(C) just  
22 ask -- (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) , or someone.

23 (b) (6), (b) (7)(C) Okay. I'll write this down.  
24 I've got a question for later.

25 (b) (6), (b) (7)(C) Okay.

1 (b) (6), (b) (7)(C) any -- from the day, so (b) (6), (b) (7)(C)  
2 told (b) (6), (b) (7)(C) this information. Then what happened?  
3 (b) (6), (b) (7)(C) So (b) (6), (b) (7)(C) the dumping  
4 order for all four batches. And then (b) (6), (b) (7)(C) to  
5 -- just don't do it yet and (b) (6), (b) (7)(C) to confirm the  
6 directions with (b) (6), (b) (7)(C) because (b) (6), (b) (7)(C) the one that  
7 actually talked to (b) (6), (b) (7)(C) about how to do it. So as soon as  
8 (b) (6), (b) (7)(C) . And  
9 (b) (6), (b) (7)(C) said yes, that's how.  
10 So (b) (6), (b) (7)(C)  
11 indoor stab, (b) (6), (b) (7)(C) their phone. And (b) (6), (b) (7)(C)  
12 (b) (6), (b) (7)(C)  
13 same instructions what to do. And (b) (6), (b) (7)(C) said okay, (b) (6), (b) (7)(C) had  
14 already talked to (b) (6), (b) (7)(C) , and that everyone was  
15 on the same page.  
16 (b) (6), (b) (7)(C)  
17 (b) (6), (b) (7)(C)  
18 (b) (6), (b) (7)(C)  
19 (b) (6), (b) (7)(C) Anything else you want to add that I  
20 didn't ask about?  
21 (b) (6), (b) (7)(C) I don't know. I don't think so.  
22 (b) (6), (b) (7)(C) Where is the batch room?  
23 (b) (6), (b) (7)(C) The batch room is the first -- so if  
24 you go down the hallway towards receiving, it's the first  
25 door on the left. And then you turn, go down the hallway,



1 and it's the first door on the left again. It's just a  
2 little tiny room where (b) (6), (b) keep all of (b) (6), (b) (7)( samples for all  
3 of (b) (6), (b) (7)( other batches so that (b) (6), (b) can do (b) (6), (b) (7)( tests on them  
4 and stuff.

5 (b) (6), (b) (7)(C) Okay.

6 (b) (6), (b) (7)(C) (b) (6), (b) keep all of (b) (6), (b) (7)( original samples  
7 in that room. (b) (6), (b) (7)(C)

8 (b) (6), (b) (7)(C)

9 (b) (6), (b) (7)(C)

10 (b) (6), (b) (7)(C)

11 (b) (6), (b) (7)(C) I don't have anything.

12 (b) (6), (b) (7)(C) I don't either. (b) (6), (b) (7)(C) I think  
13 that's all the questions we have.

14 (b) (6), (b) (7)(C) Great.

15 (b) (6), (b) (7)(C) If we think of --

16 (b) (6), (b) (7)(C) Not too bad then.

17 (b) (6), (b) (7)(C) Yeah, not too bad. If we think of  
18 other questions or if you have -- sometimes these  
19 conversations will jog memories and you'll think of  
20 something. We encourage you to talk to these gentlemen  
21 here. They can communicate that back to us. We can talk  
22 to you again if that happens. But other than that we  
23 appreciate your time and you're free to go.

24 (b) (6), (b) (7)(C) Thanks.

25 (End of Interview)

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CERTIFICATION

I, (b) (6), (b) (7)(C) court approved transcriber,  
certify that the foregoing is a correct transcript from  
the official electronic sound recording of the proceedings  
in the above-entitled matter.

(b) (6), (b) (7)(C) 05/01/2023  
Burke Court Reporting & Transcription

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